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ELECTRONICALLY FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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M&I EQUIPMENT FINANCE COMPANY, : 08 CV 02164 (GEL)(GWG)
: Plaintiff, :
v. :
: **NOTICE OF MOTION**
SIGNATURE BANK, : **FOR SUMMARY JUDGMENT**
: Defendant. :
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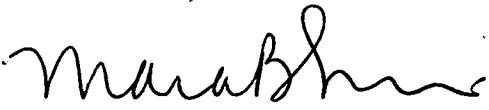
TO: Louis Orbach, Esq.
Bond, Schoenbeck & King, PLLC
One Lincoln Center
Syracuse, NY 13202

PLEASE TAKE NOTICE that upon the Plaintiff's Complaint dated March 3, 2008, the Defendant's Answer, dated March 25, 2008, defendant Signature Bank, by its counsel, Herrick, Feinstein LLP, shall move the United States District Court for the Southern District of New York, before the Honorable Gerard E. Lynch, for an order granting summary judgment, pursuant to Fed. R. Civ. P. 56, and Local Rule 56.1, against plaintiff M&I Equipment Finance Company dismissing all counts of the Complaint, and such further relief as the Court may deem proper.

PLEASE TAKE FURTHER NOTICE that defendant shall rely upon the accompanying Memorandum of Law, Statement of Undisputed Material Facts pursuant to Local Rule 56.1, Declaration of Robert A. Bloch, dated June 2, 2008 and the exhibits annexed thereto, Declaration of Andrew Gold, Esq., dated June 2, 2008 and the exhibits annexed thereto, and Marshalling Declaration of Mara B. Levin, Esq., dated June 2, 2008 and the pleadings annexed thereto, in support of its motion.

Dated: New York, New York
June 2, 2008

HERRICK, FEINSTEIN LLP

By: 
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